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EXAMINER

LE, KHANH H

ART UNIT PAPER NUMBER

3622

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/188,863

Applicant(s)

NABORS ET AL.

Examiner

Khanh H. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 7, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,30-50 and 52-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,30-50 and 52-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/5/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Detailed Action

Response to 2nd RCE (paper # 29)

1. This Office Action is responsive to the Transmittal of Formal Drawings dated 2/5/2003, the Petition for Extension of Time, the RCE, and the Amendment, all dated April 7, 2003, (papers 25-28).

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission (Amendment of claims 1, 56 and 48) filed on April 7, 2003 has been entered.

Claims 1, 30-50, 52-71 remain presented for prosecution. Claims 1 and 55-56 are independent.

Examiner's Note

2. **The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all references passages as potentially teaching all or part of the claimed inventions.**

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Drawings

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The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Seller subsystem 28 in the specifications (p. 6) incorrectly is labeled as 30 in Figure 1.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Applicants' continuing cooperation in reviewing the specifications and the drawings for inconsistencies/errors and appropriate corrections therefore are requested and appreciated.

Remarks

4. Applicants are thanked for properly submitting a marked up version showing changes to claim 48 as previously requested.

In regards to the new limitation to the independent claims, Luke discloses such (see at least Abstract)

As to the rest of Applicant's arguments, Applicants essentially repeat arguments already addressed in the previous Office Action therefore, in response thereto, the following is essentially a reiteration of the last Office Action. Changes made in this Office Action are in **bold**.

The Examiner further notes that Applicants' challenge to Officially Noted facts have failed the standards laid out in MPEP 2144.03 thus the Officially Noted facts are taken as admitted.

Response to Arguments

5. Applicants' arguments with respect to Claim 1, as to inherency are unpersuasive:

Automatic selection of sellers:

Applicants' arguments that TS does not disclose this feature (reply p. 11) are unconvincing. (For Luke, see below)

The searching described in TS certainly does some automatic selection of sellers. TS 's SellerFinder filters sellers by "service and support" (see "SellerFinder" description). It would have been obvious to then transmit, albeit, with further act of the user/buyer via computer, to at least one (that is a "set of") of the automatically selected (by the search) sellers for the reason that they have the computer equipment the user wants to order based on his/her input into the

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search). Applicants did not disagree that there is filtering of sellers at least by service and support as stated in TS.

Dworkin and Green where not cited in the introductory paragraph are used as illustrations for Officially Noticed facts.

Claim rejections. 35 U.S.C. 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1, 55, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over the TechShopper (TS) article in view of Luke US 6131087, hereinafter Luke.

As per claim 1, the "TechShopper" (TS) article impliedly discloses:

A method comprising :

receiving a set of product attributes (In TS, called "specifications", see 4th and 5th paragraphs "detailed specifications") denoting a customer's desired product configuration (TS discloses helping users "transform their complex usage needs into detailed specifications decisions". Necessarily to find sellers those specifications have to be received as a desired product configuration (a model number impliedly also denotes a specific configuration) . TS also "recommends configurations" with its "SoftwareExpert" and its "Percentage Matching Algorithm" features);

automatically transmitting (interpreted as transmission by computer, albeit some user interaction may be involved. Note: no limitation of "no user interaction" is claimed) an automatically prepared request for quote (RFQ) ("Custom Quote Request" Service following "transform their complex usage needs into detailed specification decisions" over a computer network, at least suggests computer-generated RFQ's incorporating the detailed specification decisions) to an automatically selected set of sellers,

(through TS' "SellerFinder" and "Custom Quote Request and Response Service" features, (see "The PC Consultant" et seq.) appropriate sellers, who can fulfill the desired configuration(s), are automatically filtered, selected , and listed , for presentation to the potential buyer, e.g., by service/support policies, resale brands . (8-10th paragraphs). Then the system "instantly (i.e. automatically) broadcasts" (transmits) the RFQ's to them).

the RFQ including at least a subset of the received set of product attributes (The TS model helps users transform their complex usage needs into detailed specifications, advises on each specification selection and recommends configurations.

TS's "Custom Quote Request and Response Service" features broadcasts RFQ's to vendors. For the TS model to work, it is necessary that the RFQ's contain at least a subset of the received set of product attributes (i.e. specifications) so sellers can quote in response) ; and

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notifying the requesting customer upon receipt of quotes in response to the transmitted RFQ. (in the TS model buyers are necessarily notified of the price so they can make a purchase decision based on quotes received. (Quote and Response Service. Shoppers... research, compare and buy..." TS, p. 2 2nd full paragraph) It is obvious that sellers receiving RFQ's would want to respond with quotes and thus at least one of the more than 200 vendors in TS's system would thus respond. It is further implied and obvious that the TS system would notify the customer once such quotes are received to fulfill the purpose of the "Custom Quote Request and Response Service" feature).

Further if "automatically transmitting the RFQ's" is to be interpreted as transmission without any user intervention,

Then, at invention time, automatically transmitting the RFQ's to a filtered list of sellers, such as disclosed by TS, without user intervention, would have been obvious to one skilled in the arts to expedite the shopping process. Indeed, Luke discloses:

matching offer and solicitation data (which can be under formats of RFQ's, col 5 l. 60-65, col 7 l. 25-40) in all dimensions (can have as many dimensions as needed to define the offers/ solicitation/RFQ, col 6 l. 56-60, including a party identifier (i.e. sellers attributes filter parameters) as a dimension, col 5 l. 60-65,), thus Luke discloses an automatic selection of vendors.

Generating/displaying a list of perfect or near-perfect matches (Fig 2A and associated text) in all dimensions and display of results to the user to help identify potential exchange partner(s)(Fig 2 and associated text),

Negotiation of offers,(acceptance, counteroffers or rejection (Fig 3 and associated text),

Notification to supervising agent (intermediary), confirmation and binding contract formation of (Fig 4).

In particular,

Luke further discloses fully automated evaluation of identified potential sellers/proposals, once a list is identified by matching, based on further buyers' selected parameters (Fig 3 and associated text, col 9 l. 49-col 10 line 14, especially col 10 l 1-4). Thus Applicant's arguments at Reply p. 13 that Luke teaches away, citing Luke at col 9 l. 49-53 as the buyer having to identify an exchange partner manually in contrast to the claimed automatic seller selection system is unpersuasive).

Thus one skilled in the arts would have known to supplement TS's automatic selection of sellers by initial search/matching with Luke's further filtering without user interaction to further speed the shopping process.

Further, it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Verner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Thus, simply automating the RFQ transmitting step (no user intervention) gives just what one would expect from the manual transmitting step: saving the customers time and effort in the on-

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line shopping experience and doing so in a more expedient manner. In other words, there is no enhancement found in the claimed step other than the known advantage of increased speed. The end result is the same as compared to the manual method.

Thus it would have been obvious to a person of ordinary skill in the art at the time of the invention to automate the step of RFQ transmission because this would speed up the shopping steps. This result is a purely known and expected result from automation of what is known in the art.

Further, if arguendo, an “automatically prepared request for quote” is not suggested by TS, it is definitely suggested by Luke.

Luke discloses matching offer and solicitation data (which can be under formats of RFQ's, col 5 l. 60-65, col 7 l. 25-40) in all dimensions (can have as many dimensions as needed to define the offers/ solicitation/RFQ, col 6 l. 56-60, including a party identifier as a dimension, col 5 l. 60-65), (Note: TS's and Luke's RFQ's, based on product characteristics and other dimensions are the equivalent of Applicants' automatically generated RFQ's which are based on product attributes as well).

Thus one skilled in the arts would have known to supplement TS's RFQ/ on-line shopping by initial search/matching with Luke's automatically prepared RFQ for system enhancement because both speak to complex products on-line shopping systems.

As to the newly added feature of “flexibility constraints corresponding to one or more of the product attributes”, TS does not disclose but Luke discloses such (see abstract: “*offer data consisting of numerical linear ranges defining a lower point, an upper point, and a preferred point for each dimension of the offer*” thus the high and low points for each dimension (an attribute) are interpreted as the range of flexibility constraints for that attribute).

Thus one skilled in the arts would have known to supplement TS's RFQ/ on-line shopping with Luke's teaching of matching with a flexibility range to accommodate near matches in case an exact match cannot be found.

Claims 55 and 56 essentially parallel claim 1 in storage and computing system format, respectively and are rejected on the same basis as claim 1.

8. Claims 32-37, 38-42, 45, 54, 59-65, 66, 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over the TechShopper (TS) article in view of Luke, as applied to claim 1, as discussed above, and further in view of well-known business practices.

As to claims 32- 38, 42-45 and their dependencies, the method of claim 1 is disclosed as above discussed.

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Claim 32.

TS implicitly discloses querying one or more electronic databases of existing product configurations (p. 1 paragraph 4, "most comprehensive database") to determine whether a product representing the received set of product attributes is available (TS's Percentage Matching Algorithm that ranks systems by how closely they match the desired configuration (p. 1 8th paragraph). thus implicitly the customer is notified whether or not the desired set of attributes is available (100% match or not)).

(Also note :

Luke discloses: matching in all dimensions, including product specifications (Figs 2, 2A and text).

Dworkin also discloses querying one or more electronic databases of existing product configurations to determine whether a product representing the received set of product attributes is available.(abstract; Fig 2 and associated text, esp. item 39 and 40; col 1 l. 63 et seq.: "The present invention helps a user to locate and purchase goods or services having desired characteristics, and also having the best available price. The invention employs a computer, or equivalent, which is linked to a database containing information about products and services and the vendors who supply them...")

As for claims 33-37 , the method of claim 32 is disclosed as above.

Claim 33.

TS does not explicitly disclose receiving a response to the query that a product with the requested set of attributes is not available; and providing the customer with an indication that the set of attributes is not available.

However TS discloses the Percentage Matching Algorithm that ranks systems by how closely they match the desired configuration (p. 1 8th paragraph). Thus implicitly the customer is notified whether or not the desired set of attributes is available (100% match or not).

(Note : also see Luke.)

Claim 34. As for claim34 , the method of claim 33 is disclosed as above.

Further, TS does not explicitly disclose

identifying one or more available product configurations that meet at least a subset of he received set of attributes from the electronic database; and prompting the customer with an opportunity to select one or more of the identified product configurations with which to generate the RFQ.

However TS discloses the Percentage Matching Algorithm that ranks systems by how closely they match the desired configuration (p. 1 8th paragraph) thus TS implicitly discloses identifying one or more available product configurations that meet at least a subset of the received set of attributes from the electronic database.

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Further, it can logically inferred from TS that such results will be displayed to the customer. One skilled in the art at the time the invention was made would have found it obvious to add prompting (the technique of prompting is well-known) the customer with an opportunity to select one or more of the identified product configurations with which to generate the RFQ, from TS 's matched/closely matched configurations list, to increase the probability of sale closing after the product matching process.

(Also, note offering substitute products is a well-known business practice: see. E.g., Green, (US Pat. 6041310) which teaches providing customers with a secondary vehicle choice if the desired configuration cannot be matched exactly from existing inventory (col 10 line 64 to col. 11 line 8, col 11 lines 30-37). One skilled in the art at the time the invention was made would have found it obvious to add such features as taught by Green to TS's to increase the probability of sale closing after the product matching process

Note: Luke discloses near-matches (Figs2, 2A and associated text)).

Claim 59-61 essentially parallel claims 32-34, respectively, in computing system format and are rejected on the same basis.

Claim 35. The method of claim 32 is disclosed as above discussed. TS discloses that the database is updated by PCAgent and participating vendors (paragraph 4). One skilled in the arts would have known to read TS's vendors as including manufacturers since these would known most about available set of product configurations. (see e.g. Peckover et al, US Pat 6119101, (Fig 8A item 140 and associated text) which discloses "A Remote Database Adaptor 140 provides communication and session management services to connect to a database (a "remote database", not shown) belonging to a manufacturer or a provider"). Thus one skilled in the arts would have known, at the time of the invention to have the electronic database containing information from product manufacturers regarding the available set of product configurations, as claimed.

As for claims 36-37, the method of claim 35 is disclosed as above.

Claim 36. TS discloses that the database is updated (managed) by PCAgent and participating vendors (i.e. thus implicitly including manufacturers)(paragraph 4). (see claim 35 above) Thus one skilled in the arts would have known, at the time of the invention to have at least a subset of the electronic database(s) are managed by the product manufacturers so they can update their available configurations.

Claim 37.

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TS obviously discloses at least a subset of the electronic database(s) are populated with product availability information from one or more sellers to allow the operation of the disclosed SellerFinder and Percentage Matching Algorithm features.

(Note: see Luke for perfect and near matches as well).

As for claim 38 and its dependencies, the method of claim 1 is as above-disclosed.

Claims 38-41:

TS does not explicitly disclose wherein transmitting the RFQ comprises:
confirming that a product representing the received set of product attributes is manufactured;
generating the RFQ using the received set of product attributes, if available; and
selecting a subset of sellers from the plurality of sellers to which the generated RFQ is transmitted based, at least in part, on user attribute(s) associated with the requesting customer.

However, in TS, the customer transmitting the RFQ obviously has confirmed to himself that a product with the desired configuration or partly matching the configuration is available (manufactured) through the "Percentage Matching Algorithm" feature; then the system generates the RFQ using the received set of product attributes (perfect match or a substitute), if available (manufactured) selected by the customer;
Lastly he selects a subset of sellers from the plurality of sellers to transmit the RFQ to.

TS does not explicitly disclose that the selected sellers are chosen based, at least in part, on user attribute(s) associated with the requesting customer. However its model allows customers to review matching sellers together with their support and service policies (p. 1 paragraphs 4 and 8) which obviously would include an address where support or service can be had.

Also location as a seller criterion reviewable by customers is well-known (see, e.g. Dworkin, col 7 line 47).

(Also Note: Luke discloses

Fully automated evaluation of identified potential sellers/proposals, once a list is identified by matching, based on further buyers' selected parameters (Fig 3 and associated text, col 9 l. 49- col 10 line 14.) Obviously the further filtering parameter could be location if not used in the initial search/match.)

Further, Official Notice is taken that customers often choose sellers based on geographical areas (of their own (user attribute(s) associated with the requesting customer, claims 38 and 39)) or the sellers' (claims 40-41)) because they can get better service or support or because the product sought poses a shipping costs or risk issue.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to combine TS's teaching with the option of selecting sellers based on geography (of the

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sellers or their own) to improve customer satisfaction in accordance well-known customer habits and preferences.

As for claim 42 , the method of claim 38 is as above-disclosed.

Claim 42. TS does not explicitly disclose generating the RFQ using a modified set of product attributes if the received set of attributes are not available.

TS through the feature of Percentage Matching Algorithm impliedly discloses that the initial desired configuration may not be available and one can infer that the TS system displays alternate configurations.

Since TS also teaches sending an RFQ after displaying the matching/closely matching list of products and the list of sellers, one skilled in the arts would have known to infer from TS disclosures that it would be advantageous to send RFQ's regarding a closely matching substitute in case there is no perfect match to allow completion of a sales transaction to the benefit of both sellers and customers.

(Note: Luke discloses near matches and negotiations/contract formation involving those as well as with perfect matches. (Figs 2, 2A,...-4 and associated text) One skilled in the art at the time the invention was made would have found it obvious to add Luke's teachings to TS's to increase the probability of sale closing after the product matching process .)

(Note: Green , US 6041310also teaches providing customers with a secondary vehicle choice if the desired configuration cannot be matched exactly from existing inventory (col 10 line 64 to col. 11 line 8, col 11 lines 30-37). One skilled in the art at the time the invention was made would have found it obvious to add Green's teachings to TS's to increase the probability of sale closing after the product matching process.)

Claim 62-65 and 67 essentially parallel claims 38-41 and 42, respectively, in computing system format and are rejected on the same basis.

Claim 45. The method of claim 1 is disclosed as above discussed .Official Notice is taken that customer notifying performed using one or more of a telephone, electronic mail (email) message and/or a facsimile transmission is well-known at the time of the invention, and thus one of ordinary skill would have known to use such means in tandem with the TS system for the old obvious reasons of providing flexibility of means of communication with the customers.

Claim 54. The method of claim 1 is disclosed as above discussed. It would have been obvious to one skilled in the arts that the broker-assisted TS system, as discussed in claim 1, is applicable to automobiles as well as computers, and to include individual automobile dealers as sellers expand the internet/computing efficiencies to the automobile market.

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Claim 66. Claim 65 is disclosed as above-discussed. TS does not disclose a system with "instructions to develop a sales performance history of a seller based on prior transactions"

("Sales performance history of a seller based on prior transactions" is interpreted as ratings by customers of the seller based on prior transactions.)

However, Official Notice is taken that customers often choose sellers based on favorable ratings by others after transactions.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to combine TS's teaching with the option of selecting sellers based sellers' performance ratings to improve customer satisfaction in accordance well-known customer habits and preferences. The computing method to implement this additional limitation is well-known in the art.

9. Claims 43-44, 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over the TechShopper (TS) article in view of Luke, as applied to claim 1, and further in view of Luke.

Claim 43.

The method of claim 1 is disclosed as above discussed. Further, TS impliedly discloses receiving quotes from sellers in response to RFQ's as above discussed.

Further, as discussed earlier in claim 1, in Luke, a buyer submitting an RFQ receives a list of matching sellers/proposals.

Luke further discloses:

Fully automated evaluation of identified potential sellers/proposals, once a list is identified by matching, based on further buyers' selected parameters (Fig 3 and associated text, col 9 l. 49-col 10 line 14.)

Thus one skilled in the arts would have known to supplement TS's automatic selection of sellers by initial search/matching with Luke's further filtering once the quotes/proposals are received, to assist the user in narrowing down the selection further to save time and tedium and help in the decision process (Luke, col 10 l. 1).

Further, it would have been obvious to one skilled in the arts to use for Luke's teachings of further filtering ("identifying") of the received quotes, parameters "that meet a largest subset of the set of product attributes and a largest subset of user attributes" to provide a closer match.

(Note: TS already discloses meeting the largest subset of product attributes with the Percentage Matching Algorithm. Luke as well.

Further using user attributes is obvious as discussed above. Using the largest subset of user attributes is further obvious to obtain a closer match).

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Claim 68 essentially parallels claim 43 in computing system format and thus is rejected on the same basis

Claim 44. The method of claim 43 is disclosed as above discussed. Official Notice is taken that customer notifying performed by electronic mail (email) message and/or a facsimile transmission is well-known at the time of the invention, and thus one of ordinary skill would have known to use such means in tandem with the TS system for the old obvious reasons of providing flexibility of means of communication with the customers.

10. Claims 52-53 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over the TechShopper (TS) article in view of Luke, as applied to claim 1 and further in view of Walker, US 57694207, hereinafter Walker.

As for claim 52, the method of claim 1 is disclosed as above discussed. However, TS does not teach tracking the status of each RFQ. However, Walker teaches tracking of all transaction documents with a database(col. 13 line 23-29). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of the TS article in view of well-known business practices as applied to claim 1 above and Walker to ensure proper customer service, such as avoiding repetitious fulfillment of RFQ.

Claim 71 essentially parallels claim 52 in computing system format and thus is rejected on the same basis

Claim 53. The method of claim 52 is disclosed as above. Official Notice is taken that it is well-known in customer service to update the customer by selectively providing on at least one of a periodic basis, upon a request from the customer, and/or upon receipt of status notifications received from one or more of the seller(s).

11. Claims 30-31, 57-58, 46-47, 48-49, 50, 69, 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over the TechShopper (TS) article in view of Luke, as applied to claim 1 above and further in view of Dworkin (US Pat. 4992940), hereinafter Dworkin.

As for claims 30 and 46, 48 and their dependencies, the method of claim 1 is disclosed as above.

Claim 30. TS does not explicitly disclose but Dworkin does receiving the set of product attributes comprises: providing a customer with a graphical user interface (GUI) at an accessible computing system, the GUI comprising one or more modifiable fields and/or pull-down menus through which the customer can selectively assemble the set of product attributes associated with a desired product configuration (figures 2A-5 and associated text). One skilled in the arts at the time of the invention would have known to add to Dworkin's GUI disclosure to TS's to allow the user efficiently to interface with the system (Note : TS also discloses that the PCAgent who

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manages the TS system offers the latest advances in graphical user interfaces p. 2, 4th paragraph.)

Claim 31. As for claim 31, the method of claim 30 is disclosed as above.

Neither TS nor Dworkin explicitly disclose the GUI enables a customer to rank each attribute of the set of attributes in accordance with their relative importance to the customer.

Official Notice is taken that this additional feature is a well-known shopping/selection method. One example is buyers of real estate being given a checklist by realtors to rank their house attributes as needed or desired with the needed items more important than the desired ones.

One skilled in the arts at the time of the invention would have known to add this feature to the TS/Dworkin teachings to enhance the possibility of matching substitutes in case no perfect match is possible and to find among those the ones most likely to please the customer just as is traditionally done manually by brokers or by consumers on their own behalf.

Claims 57 and 58 essentially parallel claims 30 and 31 in computing system format and is rejected on the same basis.

Claim 46. The method of claim 1 is disclosed as above discussed. TS does not disclose receiving an indication of acceptance of at least one of the received quotes from the customer; and notifying a seller associated with the accepted quote of the acceptance to facilitate purchase of the product. However one could logically infer a purchase transaction following a the receipt of a quote by the TS system.

Further, Dworkin discloses placing an order by the customer, over the network, after viewing the returned quotes, Fig 2B item 63 and associated text: e.g. "Test 63 then determines whether the user has chosen to order a product. If not, the system returns to block 23. If the user wants to place an order, the system continues in block 65. In block 65, the system prompts the user for various pieces of information. Such information should include the identifying number of the supplier from which the user wants to buy. It should also include the user's name and address, and credit card number, if this is the manner of payment. The amount of information taken from the user at this point can vary, and the system can be programmed, using known techniques, to obtain whatever information is deemed necessary. It is also possible for the system to store certain information about each user, so that the user can bypass the step of entering a name and address each time an order is placed".

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One skilled in the arts would have known to integrate the Dworkin feature as discussed above into the TS system to allow the TS customer to complete a transaction after receiving quotes.

(Also see Luke, Figs 3 and 4 and associated text)

Claim 69 essentially parallels claim 46 in computing system format and thus is rejected on the same basis.

Claim 47. The method of claim 46 is disclosed as above.

Further, Official Notice is taken that sellers notifying performed using one or more of a telephone, electronic mail (email) message and/or a facsimile transmission is well-known at the time of the invention, and thus one of ordinary skill would have known to use such means in tandem with the TS system for the obvious reasons of providing flexibility of means of communication with the sellers.

(e.g. see Salmon for notification to buyers once new product matching specifications become available.)

Claim 48.

The method of claim 1 is disclosed as above discussed.

However TS does not disclose the received set of product attributes are received from an intermediary on behalf of the requesting customer, wherein the intermediary provides an indication, either explicit and/or implicit, that the customer has funds available to complete the purchase.

Dworkin discloses an authenticated buyer. (Dworkin discloses placing an order by the customer, over the network, after viewing the returned quotes, Fig 2B item 63 and associated text).

One skilled in the arts would have known to integrate this Dworkin feature as discussed above into the TS system to allow the TS customer to complete a transaction after receiving quotes.

The brokerage system is well-known as discussed in an earlier Office Action (see Final Action, July 20,2001, paper #14, discussion of claim 1) . It is well-known that brokers rely on their reputations to do business with vendors be it house builders or mortgage banks. It well-known that if a broker produce a customer who would not live up to the bargain offered after wasting the vendor's time assembling a quote, such broker's reputation would be damaged. Therein lies another reason why brokers are traditionally used, to serve as trusted agent both for the sellers and the buyers. For the buyer he vouches for a good product after a thorough search/match; for the seller, he vouches for a qualified buyer if the sellers would spend the time assembling the quote.

Thus it is well-known that real estate brokers sometimes ask clients for a prequalification letter showing that they have sufficient funds before starting the house search process.

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Thus the step of "the received set of product attributes are received from an intermediary (e.g. a realtor) on behalf of the requesting customer, wherein the intermediary provides an indication, either explicit and/or implicit, that the customer has funds available to complete the purchase" is a well-known manual business practice, especially when the product is in great demand.

Thus, adding this step to the TS system would have been obvious to one skilled in the art at the time of the invention, for the traditional reasons a broker is used: so the parties can rely on his reputation (implicit indication of qualification of the buyer) or explicit representation to ensure that they are not wasting their time in a hot market. Implementing it on a network, such as taught by TS and Dworkin, as discussed above, would be consistent with integration into the TS system for communication efficiencies purposes.

Claim 70 essentially parallels claim 48 in computing system format and thus is rejected on the same basis

Claim 49. The method of claim 48 is disclosed as above discussed. Further Dworkin discloses the authenticated buyer is the customer. (Fig 2b, item 63 and associated text). It is obvious in computer in systems as in real life that a customer can do without a broker. Thus it would have been obvious to provide a no-third party /intermediary situation to accommodate customers who so desire.

Claim 50. (Amended) A method according to claim 48, wherein the intermediary is one of a banking institution, lending institution, product representative associated with a manufacturer of the product, and/or a re-seller of the product.

Official Notice is taken that one skilled in the arts would have known to provide a system such as TS in a "product representative associated with a manufacturer of the product, and/or a re-seller of the product" environment, such as a store, to accommodate potential buyers who have no computers or whose computers do not have all the needed supporting software.

Claim 51 has been cancelled.

Conclusion

12. Prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

All previously cited art.

Peckover et al, US Pat 6119101, discloses shopping agents

Salmon, US 5592375, discloses matching products and services, filtering of sellers (buyer inputs location, institutions, schools, i.e. obvious can filter by preferred sellers), user requests for more information after presented with lists of (matching/closely matching/rank-ordered as to closeness of matching) sellers (obviously the request for more information can be changed to an RFQ); notification to buyers when new matching product become available.

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Salmon alone or in combination with other references could be used to reject at least claims 1, 32-44.

Walker, US 57694207, discloses search/ matching of goods and products , resulting list presented after search/match, counteroffers/acceptance in response to an offer to buy (obvious an RFQ could be substituted for the offer to buy, see Luke) , system transmits response to buyers, buyer buys through system, third-party, trusted party/ intermediary system, Authenticated seller, verify capacity to deliver (Fig 10) .

Walker alone or in combination with other references could be used to reject at least claims 1, 32-44, 48-51, 46-47,52-53.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 703-305-0571. The Examiner works a part-time schedule and can best be reached on Tuesday-Wednesday 9:00-6:00. The examiner can also be reached at the e-mail address: khanh.le2@uspto.gov. (However, Applicants are cautioned that confidentiality of email communications cannot be assured.)

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

June 23, 2003

KHL

KHL

Steve Gravini for AWS

**STEPHEN GRAVINI
PRIMARY EXAMINER**